HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.16382 of 2007

11.9.2007

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Between

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Elluru Srinivasulu ..Petitioner

And

District Collector, Kurnool District and others . ..Respondents

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:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.16382 of 2007

Inspite of receipt of notices, the respondents have neither entered their appearance nor have placed any material to contest this writ petition. The writ petitioner who is said to be a resident of Kosgi Town in Kurnool District has been granted licence on 17.11.1988 to hold a firearm. Ever since then, he has been holding the firearm without giving any scope for its misuse or abuse. Whenever, the State and its authorities are directing the writ petitioner and similarly placed other licencees to surrender the firearms in view of elections or whenever, breach to peace of the society is suspected, the writ petitioner had been depositing the firearm with the Police agencies. After the situation has improved or the contingency has ceased, the firearm so deposited by the petitioner is not being returned to him promptly. That forced the writ petitioner to institute W.P.No.24826 of 1999. This Court by its order dated 2.12.1999 directed the Collector and District Magistrate, Kurnool to pass appropriate orders for return of the firearm deposited by the writ petitioner, provided 1) the petitioner is not involved in any offence; 2) the petitioner is not a factionist and, 3) the weapon was not misused in commission of any offence by the petitioner. Thereupon, the Collector seems to have called for a report from the Superintendent of Police who has reported about the bonafides and good conduct of the writ petitioner in that regard. Therefore, the Collector and the District Magistrate, Kurnool passed an order on 25.3.2000 directing the release of the weapon from the

District Police Arms Store, Kurnool. Accordingly, the writ petitioner has retrieved his weapon.

However, the petitioner had re-deposited the firearm on 7.7.2001 in view of the elections. Inspite of his repeated requests, the firearm has not been returned to him. The writ petitioner asserts that the Oil Mill owned by him and his own residence are at a distance from Kosgi Town limits and since he is a businessman, he needed to protect himself from any possible threat from anti-social elements for his liberty. Therefore, he needed the firearm to be retained in his possession rather than in the Arms Depot of the State. The licence of the petitioner has been renewed upto 30.11.2009. Therefore, I see no good reason for the respondents not to return the firearm to the writ petitioner immediately. I therefore, direct the respondents 1 and 2 to forthwith take up the issue of returning the firearm deposited by the writ petitioner within a period of 15 days to him, provided no incriminating material against the conduct of the writ petitioner had come to their notice.

With this, the writ petition stands disposed of. No costs.

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NOOTY RAMAMOHANA RAO.J.

11.9.2007
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